



THE CALIFORNIA OFFICE OF HISTORIC PRESERVATION COMMENTS ON CEQA DOCUMENTS AS AN AUTHORITY ON HISTORIC AND CULTURAL RESOURCES. THIS PUBLICATION USES CASE-STUDIES TAKEN FROM ENVIRONMENTAL DOCUMENTS PRODUCED IN CALIFORNIA TO HELP ENVIRONMENTAL ANALYSTS AND LEAD AGENCIES UNDERSTAND HISTORICAL AND CULTURAL RESOURCE IDENTIFICATION AND EVALUATION.

THIS IS NOT AN OFFICIAL POLICY DOCUMENT, BUT THE EXAMPLES INCLUDED CAN HELP PROFESSIONALS AND DECISION MAKERS UNDERSTAND HISTORIC AND CULTURAL RESOURCE EVALUATION AS AN INTEGRAL ELEMENT IN SUCCESSFUL COMPLETION OF THE CEQA PROCESS.

Consider the Whole Action: How to Avoid Segmenting

CEQA documents begin with a project description. The project description, according to Section 15124 of the CEQA Guidelines, is intended to provide decision makers with several key pieces of information about the project. At a minimum, the project description should include the location, objectives, and scope of work for the proposed project. The description is not merely a required part of the environmental document, it is an opportunity to provide the public and decision makers with the facts of the proposal they are considering. If not carried out in a thoughtful manner, the project description can distract from the purpose of the environmental review process.

Description

When a project description involves only demolition, the project is likely being segmented, a practice discouraged by CEQA. Segmenting deprives the public of the entire scope of project and may conceal potential impacts.

When dealing with impacts to historical resources, certain omissions from the project description are more common than others. Section of 15378 of the CEQA Guidelines defines a project as “the whole of an action” yet when dealing with demolition of a historic resource, projects sometimes only involve demolition. Demolition of a building or structure needs to be evaluated based on the future use of the site. In some instances the future use of the site may be impossible to know. When reviewing project applications that involve only demolition, Lead Agencies should make a concerted effort to determine and evaluate all reasonably foreseeable future use of the site, or encourage applicants to disclose any future use of the site so the proposal can be considered by the environmental document.

Objectives

Carefully defining the project’s objectives is another critical part of the environmental document. Defining a project as only demolition when future uses are predictable, makes it nearly impossible for effective public participation in the planning process. Moreover, demolition may (or may not be) the best choice when the future use of the site is explained and the project objectives are clear.

In our case study, a Lead Agency is trying to revitalize a large downtown civic center complex built in the 1960s. One parcel on the civic center site contains a courthouse previously evaluated and determined eligible for listing on the National Register. The project description in the DEIR defined the project as only demolishing the courthouse, while ignoring future redevelopment of the project site and surrounding vicinity. At the same time, the City was soliciting proposals to redevelop the civic center area, including the courthouse site. The project objectives included 1) preventing public safety risk, 2) eliminating building maintenance costs, and 3) preparing the site for future development. The City clearly had a greater vision for the area, but because the project description included only demolition, the public and city council had no chance to consider demolition in the context of the future redevelopment plan.





CEQA CASE STUDIES

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Requesting CEQA Comments from OHP

Requests for OHP comments from local agencies and concerned local citizens should be made at least two weeks prior to the end of the comment period for the CEQA document prepared for the project in question. Requests made any closer to the end of the comment period will generally not provide OHP with sufficient time to respond to the request. Requests must be made in writing (e-mail, fax, or mail) and should include as much information as possible about the project (name, location, and project description); historical resources information (name of property, location, property description and significance); lead agency information (contact person, contact information, other involved agencies); and CEQA process (document type, comment period).

OHP is occasionally contacted by members of the public who feel that a CEQA document should have been prepared for a

specific project, but one was not. When making a request for comments from OHP in such a circumstance, OHP should still be given at least two weeks prior to any final action on the project in question to respond. A shorter time frame will generally not provide OHP with sufficient time in which to do so. To the extent possible, the same information as described above should be provided.

OHP recognizes that there may be times when no CEQA document is prepared and it is not possible to provide OHP with sufficient information on which to act prior to a lead agency's final action on a project. In such circumstances, and subject to OHP commenting criteria listed below, OHP may request that the lead agency provide additional time in which OHP may provide further comments. The closer the request is made to anticipated final action by a lead agency, though, the less likely it is

that OHP will take any action.

OHP is also occasionally contacted by members of the public for advice and assistance with general CEQA questions not related to a specific project. OHP will attempt to respond to all written requests for advice and assistance with general CEQA questions within a timely manner. All requests should include the name and affiliation of the person making the request and contact information, including phone number, fax number, and email address. Please allow at least two weeks for OHP to respond.

THE OFFICE OF HISTORIC PRESERVATION (OHP) MAY CHOOSE TO COMMENT ON THE CEQA COMPLIANCE PROCESS FOR SPECIFIC LOCAL GOVERNMENT PROJECTS. OHP HAS COMMENTED ON CEQA DOCUMENTS AND ADVISED LEAD AGENCIES SINCE THE 1970S. HOWEVER, IT WAS NOT UNTIL THE ADOPTION OF THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES REGULATIONS IN 1992 AND THE 1998 AMENDMENTS TO CEQA THAT DEFINED HISTORICAL RESOURCES, THAT OHP INITIATED A SPECIFIC CEQA PROGRAM. BECAUSE OHP HAS NO FORMAL AUTHORITY OF LOCAL GOVERNMENT AGENCIES IN CALIFORNIA, THIS PROGRAM IS APPROACHED IN A MORE INFORMAL MANNER THAN OUR COMMENTING RESPONSIBILITIES UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OR COMMENTS ON STATE PROJECTS UNDER PUBLIC RESOURCES CODE SECTION 5024.5, WHICH PERTAINS TO STATE OWNED HISTORIC PROPERTIES.

FOR QUESTIONS ABOUT CEQA AND HISTORIC AND CULTURAL RESOURCES, PLEASE CONTACT: SEAN DE COURCY, AT (916) 445-7042 OR AT SEAN.DECOURCY@PARKS.CA.GOV

CEQA RESOURCES

- ◆ [PRC Section 21083.2-21084.1](#)
- ◆ [CEQA Guidelines CCR Section 1500-15387](#)
- ◆ [Advocating for Historic Resources Under CEQA](#)